



Serial No.: 10/026,063

Applicant: BALLARD, David *et al.*

Reply to Final Office Action of April 22, 2004

Atty. Ref.: 11836.0727.NPUS00

PA-00118

**REMARKS:****REMARKS REGARDING CLAIMS AMENDMENTS:**

The above noted amendments to the claims have been made so that the scope and language of the claims is more precise and clear in defining what the Applicants consider to be the invention. Support for the above amendments to the claims can be found in the original specification as filed. Specifically, claim 7 has been amended to address the Examiner's §112 rejection and to correct a minor typographical error. Claim 29 has been amended to include the limitations of claims 14, 15, and 16.

The claims and amended claims are submitted as being clearly distinct and patentable over the art of record and therefore their entry and allowance by the Examiner is requested.



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**IN RESPONSE TO THE OFFICE ACTION:****CLAIM OBJECTIONS:**

In response to the Examiner's objection to claim 7, Applicants have corrected the typographical error "inorganiz" to "inorganic". Therefore, Applicants believe that they have addressed and corrected the basis for the Examiner's objection and request that the Examiner withdraw such objection.

**REJECTION UNDER 35 U.S.C. §112:**

Applicants have also addressed the Examiner's rejection under section 112, rejecting claims 7-11 for lacking antecedent basis for "the inorganic peroxide" in line 7 of claim 7. Applicants have amended claim 7 to replace "the inorganic peroxide" with "an inorganic peroxide", and as claims 8-11 depend from claim 7, the rejection to these claims has been addressed as well. Thus, Applicants believe that they have addressed and corrected the basis for the Examiner's rejection and request that the Examiner withdraw such rejection in the next paper from the Patent Office.

**REJECTION UNDER 35 U.S.C. §102:**

The Examiner has rejected claims 29 and 30 under 35 U.S.C. § 102, noting that claims 29 and 30 "did not contain all the limitations of the claim from which it depended (claims 14, 15 and 16)." See ¶8, of the April 22, 2004 Office Action. Independent claim 29 has now been amended to include the limitations of claims 14, 15 and 16, and as claim 30 depends from claim 29, this claim is construed to incorporate by reference all the limitations of claim 29. See 35 U.S.C. §112, ¶4. Thus, Applicants believe that they have amended claim 29 in accordance with the Examiner's suggestion and that amended claim 29 is patentable over the Chang et al. (5981447) and that amended claims 29 and 30 are patentable over Dawson (5624886) and request that the Examiner withdraw these rejections and allow these claims in the next paper from the Patent Office.



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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11836.0727.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle C. Replogle". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michelle C. Replogle

Patent Attorney

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Date: 7/19/04